

Resolution No.: 17-617
Introduced: November 13, 2012
Adopted: December 4, 2012

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and Supplemental Appropriation #8-S13-CMCG-2 to the FY13 Capital Budget Montgomery County Government Department of Environmental Protection SM Retrofit - Roads (No. 801300), \$14,000,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive, who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
SM Retrofit - Roads	801300	Construction	\$14,000,000	State Aid
TOTAL			\$14,000,000	State Aid

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$14,500,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit. Of the total, \$500,000 has been appropriated in the FY13-18 CIP budget, leaving the remaining \$14,000,000 to be appropriated.
5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$14,000,000 to the FY13 Capital Budget for the SM Retrofit: Roads (#801300) project, and specifies that the source of funds will be State Aid.
6. Notice of public hearing was given and a public hearing was held.

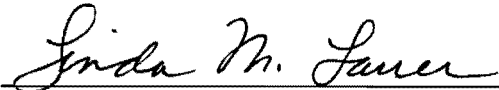
Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
SM Retrofit - Roads	801300	Construction	\$14,000,000	State Aid
TOTAL			\$14,000,000	State Aid

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

SM Retrofit - Roads -- No. 801300

Category
Subcategory
Administering Agency
Planning Area

Conservation of Natural Resources
Stormwater Management
Environmental Protection
Countywide

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

January 10, 2012
No
None
On-going

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	21,460	0	0	21,460	2,840	3,300	3,830	3,830	3,830	3,830	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	17,670	0	0	0	0	0
Construction	42,965	0	0	42,965	5,078	6,610	7,670	7,670	7,670	7,670	0
Other	0	0	0	0	0	20,510	0	0	0	0	0
Total	64,425	0	0	64,425	8,518	9,910	11,500	11,500	11,500	11,500	*

FUNDING SCHEDULE (\$000)

State Aid	15,000	0	0	15,000	2,500	2,500	2,500	2,500	2,500	2,500	0
Water Quality Protection Bonds	49,425	0	0	49,425	6,018	7,410	9,000	9,000	9,000	9,000	0
Total	64,425	0	0	64,425	8,518	9,910	11,500	11,500	11,500	11,500	0

OPERATING BUDGET IMPACT (\$000)

Maintenance				923	0	9	18	124	230	542
Net Impact				923	0	9	18	124	230	542

DESCRIPTION

This project provides for the design and construction of Environmental Site Design (ESD)/Low Impact Development (LID) stormwater management devices along County roads constructed prior to modern stormwater management controls. ESD/LID stormwater devices include bioretention, curb extensions, porous concrete, tree box inlets and other types of devices that promote water filtering and groundwater recharge.

COST CHANGE

This project was created to separate stormwater retrofit costs for roads from those previously budgeted in the SM Retrofit-Government Facilities CIP project (No. 800900). Project costs for SM Retrofit-Roads have increased significantly due to the addition of candidate projects to comply with the County's MS4 permit requirements.

JUSTIFICATION

This project supports the requirements of the MS4 permit and addresses the goals of the Chesapeake Bay tributary strategy initiative, and the County's adopted water quality goals (Chapter 19, Article IV). The County's MS4 permit requires that the County provide stormwater controls for 20 percent of impervious surfaces not currently treated "to the maximum extent practicable," with an emphasis, where possible, on the use of ESD/LID devices. This project will be responsible for controlling stormwater on County roads, largely through ESD/LID practices, as needed to satisfy the permit requirements.

OTHER

A portion of these potential ESD/LID stormwater retrofits on County roads were previously programmed under the SM Retrofit - Government Facilities project (No. 800900). This new stand alone project includes all the potential ESD/LID projects for County roads and allows for a more efficient implementation of projects of similar scope in partnership with the Department of Transportation (DOT).

Projects planned for construction include Arcola Avenue DOT Participation, Dennis Avenue DOT Participation, Forest Estates DOT Participation, Franklin Knolls DOT Partnership, Lockridge Drive, and Stewart Lane.

Projects planned for design and construction by watershed include three projects in the Rock Creek Watershed and seven projects in the Anacostia River Watershed.

FISCAL NOTE *Supplemental*

The partial State Aid appropriation is based on a letter of commitment the County received from the State of Maryland. While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until that legislation is enacted, only committed state funding is appropriated.

OTHER DISCLOSURES

- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- * Expenditures will continue indefinitely.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY13	(\$000)
First Cost Estimate		
Current Scope	FY13	64,425
Last FY's Cost Estimate		0
Appropriation Request	FY13	6,515
Appropriation Request Est.	FY14	7,410
Supplemental Appropriation Request		14,000
Transfer		0
Cumulative Appropriation		0
Expenditures / Encumbrances		0
Unencumbered Balance		0
Partial Closeout Thru	FY10	0
New Partial Closeout	FY11	0
Total Partial Closeout		0

COORDINATION

Department of General Services
Department of Transportation
Maryland-National Capital Park and Planning Commission
Department of Permitting Services
Maryland Department of the Environment
United States Army Corps of Engineers
Maryland Department of Natural Resources

MAP